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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,599	03/25/2004	Karl Jarosch	2920-118	5610

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,599	JAROSCH, KARL	
	Examiner	Art Unit	
	Joanne Silbermann	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on March 02, 2006. These drawings are approved.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4, 6-9, 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In claims 1 and 13, the mounting devices are described as being separate elements from the pegs and holes, however, as is clearly shown and described in the Specification and Drawings, the mounting devices actually *are* the pegs and holes (see particularly Applicant's Specification, page 2, third full paragraph). This renders the claims indefinite; correction is required.

5. Additionally, claim 1 does not read as a complete sentence (beginning with the words "I claim").

6. Also in claim 1, lines 7-8 "or similar element" is indefinite in that it is not clear if Applicant is claiming a broad range of elements or just pegs.

7. In claim 9 line 2 "or" is unclear, since element numbers (12 and 13 here) should not be considered actual claim language. If these numbers were removed, the claim

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would not make sense. Also, the holders are described using "or" but their positions are described using "and" (line 3) which is confusing.

8. In claim 12, line 2 "the display objects" lacks antecedent basis.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 6, 8, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter, US #1,733,176.

11. Winter teaches a display unit for material that is essentially panel shaped including two disk-shaped carrier plates 20 and 37a (Figure 2) spaced apart by tubular carrier 12. As best as claim 1 can be understood, the panel shaped material swivels and the direction may be reversed. Equally spaced mounting devices, including aligned holes in spacers 30 for pegs 29, in the plates hold panel shaped elements 22 for display on both sides thereof. The display material can be held in a frame. The carrier is longer than the distance between the plates (Figure 1). Advertisement supports 37b are attached to the carrier above the top plate (Figure 1). Regarding claim 12, as best as the holders can be understood, Winter teaches groove 18 for holding the display objects.

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12. Winter does not teach the bottom plate as having a larger diameter than the top plate, however this is considered to be entirely a matter of design choice. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to make the bottom plate of Winter larger if it were necessary to better support the device. Also, it would have been obvious to one of ordinary skill since Applicant has not disclosed that a larger lower plate solves any stated problem or is for any particular purpose and it appears that the plates of Winter would perform equally well.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winter as applied to claim 1 above, and further in view of Sande, US #1,213,026.

14. Winter does not teach rollers at the bottom of the display, however this is well known in the art. Sande teaches a display including rollers 23 at the bottom thereof. It would have been obvious to one of ordinary skill in the art to utilize such rollers on the display unit of Winter so that the unit may be easily moved.

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winter as applied to claim 1 above, and further in view of Hafkemeyer, US #3,502,716.

16. Winter does not specifically teach floor coverings, however this is well known in the art, as shown by Hafkemeyer. Hafkemeyer teaches a display unit containing carpets (Figures 1 and 2) which are floor coverings. It would have been obvious to one of ordinary skill to display carpet samples in the display unit of Winter if the unit is used in a flooring store.

Response to Arguments

17. Applicant's arguments filed March 02, 2006 have been fully considered but they are not persuasive.

18. Applicant argues that the panels of Winter are not brought into "reversing and swiveling engagement" however, Winter does show panels that swivel about a central column and may be reversed in direction. As best as claim 1 can be understood, the structure is met by Winter.

19. Regarding the sizes of the upper and lower plates, Applicant's Specification does not describe how different sizes "significantly assists with the introduction" of the material. It is not evident how a larger lower plate accomplishes this.

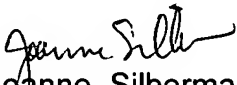
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joanne Silberman
Primary Examiner
Art Unit 3611

js
10 May 2006